

REMARKS

Claims 2-22 are currently pending in this application. Claims 2-7 and 9-14 are allowed. Claims 8 and 15-22 are rejected.

Claims 8, 15, 18, 21 and 22 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended these claims and submits that said claims are now in condition for allowance.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,619,193 to Crews.

Claim 16 has been amended to specify that the passageway portion of the first annular frame is located in the front. Crew does not teach or suggest this limitation. The passageway portion of Crew's baler is very different from that of the present invention. One such difference is that the pivoting structure of Crew is attached to the first frame at the rear of the frame, not the front. Accordingly, claim 16 is allowable.

Claim 16 also has been amended to require that the tree trunk enter the first annular frame laterally. Crew's baler cannot perform this step. Crew's baler does not allow entry of the trunk through the front portion of the baler and must be lowered over the top of the tree. This limitation further defines claim 16 over Crew.

Claims 17-20 depend directly from claim 16 and should be patentable for the reasons noted above in connection with claim 16.

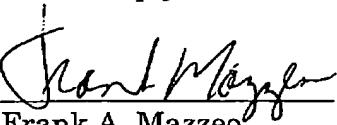
With respect to U.S. Patent No. 4,939,989 to Zacharias, the examiner states that applicant's claim 16 includes "only an arcuate opening and is silent to any permanent or temporary opening." Applicant has amended claim 16 to indicate the arcuate opening is permanent. For this reason and for the reasons put forward in the arguments filed on November 8, 2004, applicant submits claim 16 is patentable over Zacharias.

Claims 17-22 depend directly from claim 16 and should be patentable for the reasons noted above in connection with claim 16.

If the examiner believes any additional matters need to be addressed in order to place the present application in condition for allowance, the examiner is respectfully invited to contact the undersigned by telephone at the examiner's convenience. In view of the foregoing amendment and remarks, applicant respectfully submits that claims 8 and 15-22 are patentable over the prior art and a notice to that effect is respectfully requested. Claims 2-7 and 9-14 have already been allowed by the examiner.

Respectfully submitted,

Lee W. Squyres

By 
Frank A. Mazzeo
Registration No. 46,259
(215) 997-0248

Frank A. Mazzeo, P.C.
Suite 200
808 Bethlehem Pike
Colmar, PA 18915